

Attorney Docket No. 06618-733001
Serial No.: 09/994,907
Amendment dated February 3, 2004
Reply to Office Action dated November 3, 2003

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

Initially, the indication that claim 3 presents allowable subject matter is appreciatively noted.

Claim 1 is amended herewith into independent form and as amended should be allowable without further argument.

Request for withdrawal of finality of Official Action is requested.

Initially, the Official Action proposes what is termed by the Official Action to be a "new ground of rejection" (see page 2, first full paragraph). However, a number of the claims were not substantively amended during the last amendment. For example, claim 1 was merely amended to move the line up to a different location of the claim. Claim 5 was not amended at all.

MPEP 706.07(a) specifies when a final rejection is proper on a second action. According to this MPEP section, a second or subsequent action will not be made final based on a new ground of rejection "of any claim not amended by applicant or patent owner in spite of the fact that other claims may have been

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amended to require newly cited art". Accordingly, it is respectfully suggested that finality of this Official Action is not proper, and withdrawal of that finality is respectfully requested. In any case, this request is mooted should the Patent Office find all claims to be allowable at this point.

Informalities in the declaration.

The declaration stands objected to as being defective. Since these alleged defects are raised based on informalities, an application data sheet is filed herewith to obviate this rejection.

Rejections under section 112.

Claims 18 and 19 stand rejected under 35 USC 112. The undersigned apologizes for the unintentional failure to amend these claims in the previous amendment. These claims have been amended herewith to obviate the rejection.

Rejections under prior art.

Claim 1 is amended to include the limitations of claim 3 therein, thereby obviating the rejection of this claim over the cited prior art.

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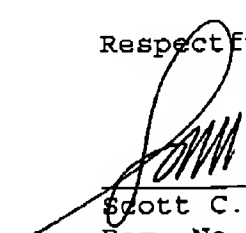
Claim 5 is amended to include comparable limitations, and hence should similarly be allowable for similar reasons. While technically this raises new issues after final, it is respectfully requested that this amendment be considered by the Examiner since 1) the Examiner has already examined a very similar combination in claim 3, and hence minimal extra work would be required on the part of the Patent Office; and 2) it is respectfully suggested that this amendment clearly puts the case in condition for allowance.

An action on the merits is respectfully requested.

Please apply any charges or credits to Deposit Account
No. 06-1050.

Respectfully submitted,

Date: February 3, 2004



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